

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15450 of Mount Joy Baptist Church, as amended, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to an existing nonconforming structure [Paragraph 2001.3(a) and (c)], and a variance from the allowable percentage of lot occupancy requirements (Subsection 403.2), for the construction of a two-story addition to a nonconforming church building in an R-4 District at premises 514 4th Street, S.E. (Square 822, Lots 8 and part of 7 [811]).

HEARING DATES: February 20 and April 10, 1991

DECISION DATES: May 1 and June 5, 1991

SUMMARY OF EVIDENCE OF RECORD:

1. The property is located on the east side of 4th Street between G Street on the south and Marion Park, South Carolina Avenue and E Street on the north. The property is zoned R-4.

2. The site is generally rectangular in shape with a frontage of 107 feet along 4th Street and a depth of 105.08 feet and comprises two lots which are currently in the process of being subdivided into a single lot of record by the D.C. Surveyor's Office. The combined lot totals approximately 11,244 square feet of land area.

3. The site is currently developed with a sanctuary building on the northern portion of the site and a three-story parsonage on the southern portion of the site. The existing church was constructed before the Civil War and was purchased by Mount Joy Baptist Church in 1945. The site is located within the Capitol Hill Historic District.

4. The application was originally scheduled for public hearing on February 20, 1991. At the time of the public hearing, the applicant requested a postponement in order to afford the applicant an opportunity to meet with community groups and area residents to address concerns expressed in opposition to the application as originally proposed. Advisory Neighborhood Commission 6B supported the applicant's request for postponement. The Board granted a continuance of the public hearing on the case until April 10, 1991.

5. Prior to the public hearing of April 10, 1991, the applicant met with the community, and based on the concerns expressed by the ANC, the Capitol Hill Restoration Society, and area residents, revised its originally submitted plans for the

proposed addition. As a result of the revisions to the originally proposed plans, the need for a variance of 100 percent from the rear yard requirements was eliminated and the requested variance from the maximum lot occupancy requirements was reduced from 1,344.48 square feet or 19.93 percent to 1,040.93 square feet or 9.3 percent.

6. The applicant proposes to construct a two-story addition connecting the existing sanctuary building to the existing parsonage. The proposed addition, as revised, will contain approximately 1,592 square feet of floor area. The addition is needed by the applicant in order to provide an elevator to access all levels of the church and parsonage, toilets on the first and second floor levels, a multi-purpose fellowship room, and additional storage and office space for existing church groups and officers.

7. The church was established at the subject site in approximately 1945 and has grown to its current membership of approximately 550 persons. Approximately 40 percent of its current membership is comprised of senior citizens. The church provides a day care program for 55 children in its lower level multi-purpose room during the week.

8. The topography of the subject site results in the elevation of the front entrance to the existing sanctuary building being approximately nine steps above street level. Access from the front entrance of the building to the main sanctuary is elevated an additional 19 steps. There are currently no elevators in the structure to provide easy access to the church by senior citizens or handicapped members. In addition, there are currently no toilet facilities on the same level as the main sanctuary to serve the church membership.

9. The interior configuration of the existing church is not adequate to meet its current space needs for office and storage purposes. At present, church records are stored in the furnace room against fire and insurance regulations. Office space is shared by multiple users and also doubles for choir practice, tutoring and classroom space. Because the space is inadequate, the church is unable to provide additional desired services to its membership such as a day program for senior citizens and reception space for families and members involved in funerals, or other activities.

10. The proposed two-story addition would provide for a direct connection between the sanctuary building and the parsonage, which also houses Sunday school classes and a Boy Scout meeting room on the basement and first floor levels. The proposed addition

would allow for the provision of an elevator assuring direct access to the main sanctuary level for senior citizens and handicapped persons, as well as provide much needed office, storage, program-related space, and restroom facilities on the main sanctuary level.

11. A church use is permitted as a matter of right in the R-4 District with a maximum allowable lot occupancy of 60 percent, a maximum height of 40 feet or three stories, and a minimum rear yard of 20 feet. The existing sanctuary building is currently nonconforming with respect to the rear yard requirements. No rear yard is provided on that portion of the site directly behind the sanctuary building. The existing parsonage structure currently provides a rear yard of approximately 40 feet.

12. Enlargements may be made to nonconforming structures devoted to conforming uses provided that (a) the structure conforms to the percentage of lot occupancy requirements; (b) the addition conforms to use and structure requirements; and, (c) the addition does not increase or extend any existing nonconforming aspect of the structure nor create any new nonconformity of structure and addition combined.

13. The proposed addition would provide a 20-foot rear yard from the rear of the connector addition to the parsonage and the rear lot line as required by the Zoning Regulations. The proposed addition would not increase or extend the existing nonconformity of the existing sanctuary building.

14. The existing sanctuary building occupies approximately 5,130 square feet of lot area and the existing parsonage occupies approximately 1,060.5 square feet of lot area, for a total lot occupancy of 6,190.5 square feet or 55.1 percent. The proposed addition would occupy approximately 1,591.43 square feet for a total proposed lot occupancy of 7,781.93 square feet or 69.3 percent. A variance from the maximum permitted lot occupancy of 9.3 percent is therefore required.

15. The applicant testified that the site is affected by an exceptional or extraordinary condition of the property as a result of the steep topography of the site and the existing structures which predate the adoption of the Zoning Regulations on May 12, 1958. In addition, the site is located within the Capitol Hill Historic District and is under the jurisdiction of the Historic Preservation Review Board.

16. The applicant testified that it would suffer a practical difficulty if the Zoning Regulations were strictly enforced in that the it would be unable to alter the existing buildings to provide for much needed space, access to the main sanctuary for senior citizens and handicapped individuals, and amenities such as toilets on the same level as the main sanctuary.

17. The applicant testified that the proposed addition has been designed so as to minimize its visual impact on the street and adjoining properties to the rear. The addition is two stories in height and is set back approximately ten feet from the facades of the existing buildings and 20 feet from the rear lot line. The materials and facade of the addition have been reviewed by HPRB and are designed to compliment the architectural character of the existing buildings and the Capitol Hill neighborhood.

18. In order to address the concerns of neighboring property owners, that the rear of the addition would be an unattractive and intrusive "blank wall", the applicant testified that the rear elevation has been designed to include multiple windows and that the open area between the rear of the addition and the rear lot line will be landscaped to soften any visual impacts on adjoining or nearby property to the rear of the site.

19. The applicant testified that the proposed addition is proposed to provide for needed additional space to address the needs of and provide additional services to its existing congregation and the community. There will be no increase in the seating capacity of the existing sanctuary, therefore, the proposed addition should not impact on existing vehicular and pedestrian traffic generated by the church use. The church does not provide any on-site parking. However, parking on the site of the nearby Lennox School has been retained to serve the church in the past and will continue to be used in the future. The applicant is not required to seek a variance from the on-site parking requirements because there will be no increase in the seating capacity of the main sanctuary.

20. The Office of Planning, by memorandum dated April 3, 1991, indicated that it was unable to provide a written recommendation regarding the application prior to the public hearing because of its inability to review the proposed modifications based on applicant/community negotiations in a timely manner. A representative of the OP was present at the public hearing. Based on the evidence submitted at the public hearing, the OP representative testified that the revised plans were more in keeping with the zoning of the site than those originally submitted. The OP representative was of the opinion that the property was affected by an exceptional condition due to the existing nonconforming structure on the site and recommended approval of the variance request, as amended, with the conditions that parking continue to be provided for church use at the Lennox School and that the parsonage use be retained on the site.

21. By letter dated February 12, 1991, Advisory Neighborhood Commission 6B opposed the granting of the application as originally proposed, but supported the postponement of the public hearing to

afford the applicant and the community an opportunity to resolve certain problems with respect to the proposed project.

22. At its public hearing of April 20, 1991, the Board waived its seven-day filing requirement to accept the written report of ANC 6B. By letter dated April 9, 1991, and by representative at the public hearing, ANC 6B supported the granting of the application, with conditions. The ANC indicated that discussions between the applicant and the community resulted in the elimination of the need to seek a variance from the minimum rear yard requirement and reduced the proposed lot occupancy. The ANC was of the opinion that the applicant's hardship centered on its need to provide improved accessibility, toilet facilities, and additional office and meeting space to better serve the needs of the congregation and the community through its day care, scouting and other secular and nonsecular programs.

The ANC noted that the community expressed concerns relative to a potential increase in parking and traffic problems; conformance with the scale and character of the neighboring buildings; increased burdens as a result of growth in church membership; and that approval would set a precedent for other requests linked to growth in membership and activities. The ANC recommended that approval of the application be conditioned, as follows:

- a. The landscaping plans will not be compromised.
- b. Church parking at the Lennox School shall be preserved and everything possible will be done to minimize traffic and parking problems for local residents.
- c. The applicant will concurrently request an easement to maintain the parsonage as the residence of the congregation leader and successors in perpetuity.

23. The Capitol Hill Restoration Society, by letter dated February 13, 1991, opposed the granting of the application as originally proposed. The CHRS was of the opinion that the proposed addition was too large and that a smaller addition could achieve the desired outcome.

24. The record contains a letter, dated February 16, 1991, from an area resident and a petition in opposition to the application, submitted by Frank Ramey on February 15, 1991, containing the signatures of 61 area residents. The bases for the opposition were generally as stated in the concerns identified in the ANC report. The Board notes that the opposition of record predates the submission of the applicant's revised plans. There was no opposition to the revised application at the public hearing.

25. Frank Ramey, of 522 4th Street, S.E., appeared at the public hearing in support of the application, as revised, with the conditions set forth in the ANC report.

26. At the conclusion of the public hearing, the Board left the record open for the submission of a covenant incorporating the agreements reached between the applicant and the ANC. On April 25, 1991, the applicant submitted a Conciliatory Agreement signed by the officers of the church. At its public meeting of May 1, 1991, the Board deferred a decision on the application to allow for the submission of a properly executed covenant, including the signature of the representative of ANC 6B. The applicant submitted the properly executed covenant on May 30, 1991.

FINDINGS OF FACT:

1. The Board finds that the applicant has met the requisite burden of proof to justify the granting of the requested variance relief.

2. The Board finds that the issues and concerns initially expressed by the ANC and area residents were adequately addressed by the revised plans submitted by the applicant pursuant to meetings held with the community and as further conditioned by the covenant, dated May 30, 1991, subscribed to by the applicant and the ANC.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking area variance relief, the granting of which requires a showing of a practical difficulty upon the owner arising out of some extraordinary or exceptional condition of the property. The Board further must find that the relief requested can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map.

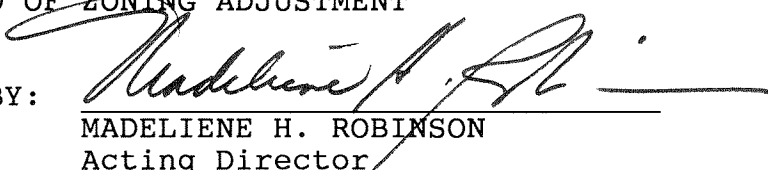
The Board concludes that the applicant has met the requisite burden of proof. The topography of the site; the configuration of existing structures which predate 1958 Zoning Regulations; the existing nonconformity of the sanctuary building; and its location within an historic district combine to create an exceptional condition inherent in the property itself. The Board concludes that the applicant would suffer a practical difficulty if the Zoning Regulations were strictly enforced, because the church would be unable to construct a reasonable addition to provide elevator access to the main sanctuary level, and would be unable to provide the necessary amenities and space to carry on and improve on the functional aspects of the existing church use.

The Board further concludes that the proposed addition, as revised and conditioned through the covenant between the applicant and the ANC, will not be objectionable to nearby property owners and will be consistent with the intent and purposes of the Zoning Regulations. The Board concludes that it has afforded the ANC the "great weight" to which it is entitled. Accordingly it is ORDERED that the application is GRANTED, SUBJECT to the CONDITION that construction be in accordance with the revised plans marked as Exhibit No. 28A of the record.

VOTE: 5-0 (Sheri M. Pruitt, Charles R. Norris, Paula L. Jewell and John G. Parsons to grant; Carrie L. Thornhill to grant by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: FEB 4 1993

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15450

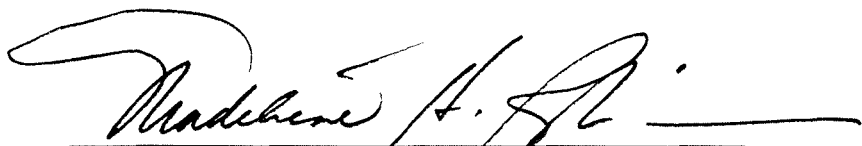
As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on FEB 4 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

W. Jerome McGee, Architects & Planners
7826 Eastern Avenue, N.W. Suite 300
Washington, D.C. 20012

Jamie Platt, Chairperson
Advisory Neighborhood Commission 6-B
921 Pennsylvania Avenue, S.E., #108
Washington, D.C. 20003

Frank B. Ramey
522 4th Street, S.E.
Washington, D.C. 20003

Rev. Bruce E. Mitchell, Sr.
Mount Joy Baptist Church
514 4th Street, S.E.
Washington, D.C. 20003


MADELIENE H. ROBINSON
Acting Director

DATE: FEB 4 1993